

PATENT/Docket No. PC9868D

Serial No. 10/825,406

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Response to Final 04/01/2005 OA

Remarks/Arguments

In the 04/01/2004 Office Action, it was stated that the parent history was still incomplete. It says the Application data sheet lists only two cases. Attached is the Application Data Sheet from the USPTO PAIR and shows continuity from the provisional application filed on 8/15/1997 with Application Number 60/055,764 to the present application with the three intervening applications. Applicant has corrected the Cross Reference section of the application to be consistent with this Application Data Sheet.

Furthermore, the oath identifies not only a PCT case, but also the provisional case. However, priority is claimed from only the provisional application in the appropriate section of the Application Data Sheet. Applicant has corrected the Cross Reference section of the application to be consistent with this Application Data Sheet.

Moreover, the 04/01/2005 Office Action states that one inventor who signed the original oath is not in the BIB Data Sheet, namely inventor Zorn. However, inventor Zorn is present in the BIB Data Sheet on page two. An "*" has been placed by his name. His name appears on the filing receipt.

Applicant believes all is in order for issuance. Applicant will request a corrected filing receipt to address the priority issue upon notice of allowance of the claims.

The claims have been amended to bring in to conformance with Group I of the elected subject matter.

Support for claim 28 is found at least in claim 28 as originally filed, and page 3, lines 12-14. Non-elected subject matter was deleted and the requirement that at least one of T, Z, and Y be nitrogen was incorporated.

Support for claims 29-34 is found at least in claims 3-8 as originally filed, respectively.

Support for claim 35 is found at least on page 3, lines 30 and 32 and examples 1 (page 10), Example 15 (page 12), and Examples 17 and 21 (page 13).

Support for claims 36-43 is found at least in claims 10-17 as originally filed, respectively. All uses have been provided and request rejoinder.

Claims 28-35 are patentable over Kulagowski, WO 94/24105, because WO '105 concerns structurally distinct compounds where the reference directs one to compounds where R² phenyl.

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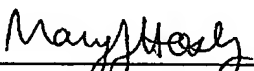
The examples include phenyl for R². See page 8, line 31 spanning to page 13, line 6. WO '105 directs people away from compounds where R² is anything but carbocycle when it is a six-membered aryl ring.

However, the compounds in the pending claims require at least one nitrogen in the substituent off of the X. Heteroaryl substituents are structurally distinct for aryl substituents, and have different properties due to the heteroatoms. Therefore, the claims as amended should be found to be patentable over WO '105.

Conclusion

Applicant believes that the claims are in order for allowance, early notice of which is requested. If Examiner has any questions concerning this application, Examiner is invited to contact the below-signed attorney. It is believed that no fee due.

Respectfully submitted,



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